

FILED
07 JUN 25 PM 1:30
RICHARD J. WIERING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Name and Address William M Cox
225 BERRY ST. SF. CA.
94158

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. CO7-1661CW
CO7-661MARC

William M Cox

Plaintiff/Petitioner

Document Name:

vs.

MISSION CREEK HOUSING

JOSE VEGA AND STAFF

Defendant/Respondent

THIS IS NOT AN

AMENDMENT, IT TO LET

YOU KNOW YOU MADE A
MISTAKE, IN YOUR
ORDER DISMISSING MY
COMPLAINT.

JUDGE: CLAUDIA WILKEN. THERE ARE 4 PAGE'S PLEASE READ.

IN YOUR DISCUSSION, YOU SAID I DID
NOT NAME ANY STAFF MEMBER, AS A STATE ACTOR
BUT I DID. IN MY COMPLAINT OF MARCH 30. AM 9:47
AT LINE #23 PAGE #2 I PRAY LINE #23 I PRAY THE COURT
READS THE PAPER, OF EVID. AFTER PAGE #2
RELIEF OR, DAMAND, JURY TRI. \$25,000. FOR STRESS
CAUSE BY HARSSMENT, BY MR JOSE VEGA AND STAFF AT
225 BERRY BERRY ST. CALIF 94158. AND OTHERS, IN
CONCERT. ^{WMC} THIS NOT AN AMENDMENT WITH ^{WMC} IS

DUE BY JULY 7th - O.T. TO COME, I MADE SOME
MISTAKE'S IN THE MAR-30 COMPLAINT. I AM PRO SE.

JUDGE WILKEN: THE 9th CIR. IN FRETTA, KNOW WE
MAKE MISTAKE'S, IM A LAWYER, NO! I TRY. PRO. SE.
I HAVE TWO MORE THING'S OF EVIDNCE, OF PEOPLE
IN CONCERT.

William M Cox
WE HAVE OUR UPS AND DOWN - I NEEDED YOUR HELP TO GET A KILLER!

1 'deprivation of any rights, privileges, or immunities secured by
 2 the Constitution and laws' of the United States." Wilder v.
 3 Virginia Hosp. Ass'n, 496 U.S. 498, 508 (1990) (quoting 42 U.S.C.
 4 § 1983). Section 1983 is not itself a source of substantive
 5 rights, but merely provides a method for vindicating federal rights
 6 elsewhere conferred. Graham v. Connor, 490 U.S. 386, 393-94
 7 (1989). To state a claim under § 1983, a plaintiff must allege two
 8 essential elements: (1) that a right secured by the Constitution or
 9 laws of the United States was violated and (2) that the alleged
 10 violation was committed by a person acting under the color of state
 11 law. West v. Atkins, 487 U.S. 42, 48 (1988); Ketchum v. Alameda
 12 County, 811 F.2d 1243, 1245 (9th Cir. 1987). To state a claim a
 13 plaintiff must show a specific constitutional or federal guarantee
 14 safeguarding the interests that have been invaded. Paul v. Davis,
 15 424 U.S. 693, 697 (1976).

16 A. Acting Under Color of State Law

17 All of Plaintiff's constitutional claims fail because he does
 18 not name an individual, acting under color of state law, who
 19 violated his rights.² Although Plaintiff alleges that Mission
 20 Creek gets financing from HUD, this is not sufficient to allege
 21 that any staff member is a state actor for purposes of stating a
 22 § 1983 claim. Private conduct may qualify as state action when
 23 "the State has so far insinuated itself into a position of
 24

25 ²On page two of his complaint, Plaintiff mentions five people:
 26 Jose Vega, Michelle Zhao, Lawrence Av, Paul Lam, and Edwin
 27 Ballesteros. Plaintiff does not name these people as defendants,
 28 he does not indicate that they are state actors, and he does not
 allege what actions each individual undertook that violated his
 constitutional rights.

U.S. DISTRICT COURT

#2 END

1 REALLY THEY HAVE BEEN HARASSING APRIL-06
 2 BUT OCT-11-06 IT GOT REAL, BAD FOR ME THE MEN WHO
 3 LIVE'S ABOVE ME BANG HIS FLOOR, MY CEILING, I HAVE
 4 THREE WITNESSES ALL 3 ARE STAFF, ALL THEIR LANGUAGE IS
 5 "CANTONESE" SAME ETHNIC GROUP! THE MAN ABOVE ME HIS
 6 LANGUAGE IS CANTONESE, ALL THE PEOPLE HERE ARE ONE ETHNIC
 7 GROUP. MOST! A FEW TAGALOG. A FEW SPANISH. A FEW ENGLISH
 8 THEY SAY THEY SPEAK ENGLISH $\frac{1}{2}$ THE TIME. I CAN'T UNDERSTAND
 9 THEY SAY WE, AMERICAN AFRICAN OR 17% PERCENT. WE NEED A REP:
 10 "REPRESENTATIVE" (4) PHONE TAPPED, IN A FED. HUD, HOUSING COMMUNITY
 11 I HEAR PEOPLE IN THE BACK GROUND ON MY PHONE'S,
 12 FED QUESTION 281321 U.S.C.! THAT WHY I SAY ITS
 13 A CONSPIRACY. EVEN CITY POLICE ACT FUNNY WHEN I CALL THEM WANT TAKE
 14 PRINTS, NOTHING NO FOLLOW UP'S, THE FED. COURTS HAVE JURISDICTION!
 15 3-29-07 - William M. COX. PRO. SE William M. COX, I HEREBY
 16 UNDER PENALTY ^{AND} OF PERJURY THAT ALL STATEMENTS ARE TRUE TO MY
 17 ^{ABOVE AND BELOW W.M.C.} TO MY BEST OF MY KNOWLEDGE. William M COX 3-29-07 PROSE
 18 225. BERRY ST. SF. CA. 94158. APARTMENT #402

19 I AM SENDING EVID. RIGHT AFTER THESE
 20 TWO PAGE'S IN ORDER!

21 NAME'S JOSE VEGA, MICHELLE ZHANG, LAWRENCE, AV. PAUL AM WITNESS
 22 (5) EDWIN BALLESTEROS. / CALL HIS BOSS HE ANSWERED THE PHONE!

23 I, PRAY THE COURT, READS THE PAPER OF EVID. AFTER #2

24 RELIEF OR DEMAND, JURY TRIAL, \$25,000. FOR STRESS CAUSE
 25 BY HARASSMENT. BY MR JOSE VEGA AND HIS STAFF AT 225
 26 BERRY ST. SF. CALIF. 94158. AND OTHER IN CONCERT:

27 UNDER PENALTY PERJURY THIS TRUE, BEST OF MY KNOWLEDGE William M COX

INCIDENT REPORTPROPERTY: Mission Creek Senior Community

An incident report should be completed for any activity, which may adversely affect tenants or staff within the community.

DATE: 6/24/07 TIME & DURATION: 30 minutes

Who was the individual?

1. William COX

2. _____

3. _____

4. _____

What happened (describe briefly)?

complaining inside the his room
402 I go up to check about smell
in his room

Where did the activity occur?

I smell some strong bad his
eyes ~~and~~ noseDate submitted to office/staff: 6/24/07Signature: Francisca HernandezPrint Name: FRANCISCA HERNANDEZ

The information provided in this report will serve as a permanent record of your observation. Please be sure to give a clear description. This report is not confidential and may be reproduced.

____ check you if you wish this information to remain confidential.

.....

PLEASE DO NOT WRITE BELOW THIS LINE

OFFICE USE ONLY

Action

taken: NONE_____
Manager_____
Resident Coordinator_____
Property Supervisor

Copy sent to Supervisor: _____

Date: _____ By: _____

THIS PERSON DESK CLERK!

THE FIRE DEPT. JOSE VEGA WAS MAKING

GOOD GOOD EYE'S ^{AT} THEM THEY HAD NOTHING TO TEST

THE SMELL'S. BUT SPRAYED SOME KIND GAS.

I OPENED THE DOOR'S BEFORE THEY CAME WITH

NOTHING TO TEST, ~~AND~~ THE AIR WITH! TRYING TO KILL ME WHY?